

Thomas R. Curtin
George C. Jones
MCELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
1300 Mount Kemble Ave.
P.O. Box 2075
Morristown, NJ 07962-2075
Tel: (973) 993-8100
Fax: (973) 425-0161

*Attorneys for Defendant
Bionpharma Inc.*

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AZURITY PHARMACEUTICALS, INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	C.A. No. 21-12870-MAS-DEA
)	
BIONPHARMA INC.,)	
)	
Defendant)	

DECLARATION OF ROSHAN P. SHRESTHA, PH.D.

I, Roshan P. Shrestha, Ph.D., of full age, hereby declare as follows:

1. I am an attorney licensed to practice in Illinois and am a member of the firm Taft Stettinius & Hollister LLP, counsel to Defendant Bionpharma Inc. In such capacity, I am fully familiar with the facts contained herein.

2. Attached hereto as Exhibit A is a true and correct copy of the complaint filed in *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, C.A. No. 18-1962, ECF No. 1 (D. Del.).

3. Attached hereto as Exhibit B is a true and correct copy of the complaint filed in *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, C.A. No. 19-1067, ECF No. 1 (D. Del.). (C.A. Nos. 18-1962 and 19-1067 collectively “First Wave Suits”).

4. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No. 9,669,008 B1.

5. Attached hereto as Exhibit D is a true and correct copy of U.S. Patent No. 9,808,442 B2.

6. Attached hereto as Exhibit E is a true and correct copy of U.S. Patent No. 10,039,745 B2.

7. Attached hereto as Exhibit F is a true and correct copy of U.S. Patent No. 10,154,987 B2.

8. Attached hereto as Exhibit G is a true and correct copy of **SEALED** Opinion by Chief Judge Leonard P. Stark in the First Wave Suits. *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, C.A. No. 18-1962, ECF No. 270, C.A. No. 19-1067, ECF No. 257 (D. Del.) filed under seal.

9. Attached hereto as Exhibit H is a true and correct copy of Final Judgment issued by District of Delaware in the First Wave Suits. *Silvergate Pharmaceuticals, Inc. v. Bionpharma*

Inc., C.A. No. 18-1962, ECF No. 270, C.A. No. 19-1067, ECF No.257 (D. Del.).

10. Attached hereto as Exhibit I is a true and correct copy of the Notice of Appeal filed by Silvergate/Azurity in the First Wave Suits. *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, C.A. No. 18-1962, ECF No. 271, C.A. No. 19-1067, ECF No. 258 (D. Del.).

11. Attached hereto as Exhibit J is a true and correct copy of the Second Amended Complaint filed in *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, C.A. No. 20-1256, ECF No. 49 (D. Del.). (“Second Wave Suit”).

12. Attached hereto as Exhibit K is a true and correct copy of U.S. Patent No. 10,772,868 B2.

13. Attached hereto as Exhibit L is a true and correct copy of U.S. Patent No. 10,786,482 B2.

14. Attached hereto as Exhibit M is a true and correct copy of U.S. Patent No. 10,918,621 B2.

15. Attached hereto as Exhibit N is a true and correct copy of the Motion for Preliminary Injunction filed by Silvergate/Azurity in the First and Second Wave Suits. *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, C.A. No. 18-1962, ECF No. 231, C.A. No. 19-1067, ECF No. 218, 20-1256, ECF No. 67 (D. Del.).

16. Attached hereto as Exhibit O is a true and correct copy of the Joint Stipulation of Dismissal of the Second Wave Suit. *Silvergate Pharmaceuticals, Inc. v. Bionpharma Inc.*, C.A. No. 20-1256, ECF No. 106 (D. Del.) so ordered by the Court with a docket entry on May 21, 2021.

17. Attached hereto as Exhibit P is a true and correct copy of the Complaint filed in *Silvergate Pharm., Inc. v. Amneal Pharm. LLC*, C.A. 19-678-LPS, ECF No. 1 (D. Del.).

18. Attached hereto as Exhibit Q is a true and correct copy of the Complaint filed in *Azurity Pharmaceuticals, Inc. v. Annora Pharma Pvt. Ltd.*, 19-753-LPS, ECF No. 1 (D. Del.).

19. Attached hereto as Exhibit R is a true and correct copy of the Complaint filed in *Azurity Pharmaceuticals, Inc. v. Alkem Laboratories Ltd.*, C.A. 19-2100-LPS, ECF No. 1 (D. Del.).

20. Attached hereto as Exhibit S is a true and correct copy of the Amended Complaint filed in *Silvergate Pharmaceuticals, Inc. v. Amneal Pharmaceuticals LLC*, C.A. 20-1255-LPS, ECF No. 7 (D. Del.).

21. Attached hereto as Exhibit T is a true and correct copy of the Complaint filed in *Azurity Pharmaceuticals, Inc. v. Annora Pharma Private Ltd.*, C.A. 21-196-LPS, ECF No. 1 (D. Del.).

22. Attached hereto as Exhibit U is a true and correct copy of excerpts from United States District Courts — National Judicial Caseload Profile from Table N/A—U.S. District Courts—Combined Civil and Criminal Federal Court Management Statistics (March 31, 2021) available at https://www.uscourts.gov/sites/default/files/data_tables/fcms_na_distprofile0331.2021.pdf (last visited July 7, 2021).

23. Attached hereto as Exhibit V is a true and correct copy of the prosecution history of the U.S. Patent Application No. 17/150,587 which issued as U.S. Patent No. 11,040,023.

24. Attached hereto as Exhibit W is a true and correct copy of the Orange Book entry for Epaned® NDA No. N208686 available at https://www.accessdata.fda.gov/scripts/cder/ob/patent_info.cfm?Product_No=001&Appl_No=208686&Appl_type=N (last visited July 12, 2021).

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: July 13, 2021



Roshan P. Shrestha, Ph.D.